

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:14CR38 MAC/DDB
§
JOHN THELMA ALLEN, JR. §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 28, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Marisa Miller.

On July 9, 2009, Defendant was sentenced by the Honorable Charles A. Shaw, United States District Judge, to a sentence of 24 months imprisonment followed by a 1-year term of supervised release for the offense of Aggravated Identity Theft. Defendant began his term of supervision on April 3, 2013. On March 5, 2014, this case was transferred to the Honorable Marcia A. Crone.

On March 17, 2014, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or paraphernalia related to any controlled substances, except as prescribed by a physician; and (3) Defendant shall abstain from the use of alcohol and/or all other intoxicants.

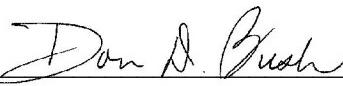
The Petition alleges that Defendant committed the following violations: (1) On August 4, 2013, Defendant was arrested in Denton, Texas, by the Denton Police Department for Driving While Intoxicated.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the April 28, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve months, to run concurrently with any other sentence being served, with no supervised release to follow.

SIGNED this 4th day of May, 2015.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE